

Friendly Law Suites

Friendly Lawsuit Regarding Release of Non-listed /Non-published Telephone Numbers

The following section contains the friendly lawsuit for:

- 1. Ameritech**
- 2. El Paso Telephone Company**
- 3. Frontier Communications of Illinois**
- 4. Gridley Telephone Company**
- 5. Verizon (Formerly GTE)**

This section also contains other documents germane to the filing.



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS

COUNTY OF McLEAN, ILLINOIS, a)
body politic and corporate, and)
McLEAN COUNTY EMERGENCY TELEPHONE)
SYSTEM BOARD, a McLean County)
Agency,)

Plaintiffs,)

vs.)

ILLINOIS BELL TELEPHONE COMPANY)
d/b/a AMERITECH ILLINOIS, EL PASO)
TELEPHONE COMPANY, FRONTIER)
COMMUNICATIONS - MIDLAND, INC.,)
GTE NORTH, INC., GRIDLEY)
TELEPHONE COMPANY,)

Defendants.)

FILED
JUL 10 1995
CIRCUIT CLERK

No. 95-CH-25

TEMPORARY RESTRAINING ORDER AND PERMANENT INJUNCTION

This cause having come before the Court on Plaintiffs' Motion with Notice, for a Temporary Restraining Order and Permanent Injunction, all parties appearing by and through their respective attorneys, or having waived appearance and stipulated to the entry of this Order, and the Court having examined the Compliant and heard arguments of counsel, if any, and being fully advised in the premises finds as follows:

1. Immediate and irreparable injury will result to Plaintiffs and their citizens and residents unless a Temporary Restraining Order and Permanent Injunction is issued directing the Defendants to provide to Plaintiffs, all non-published and/or non-listed telephone numbers and addresses of subscribers in McLean County, (hereinafter referred to as "Defendants' Records"). Without such

records to correct 9-1-1 data base errors, Plaintiffs' ability to quickly and efficiently provide police, fire, medical, and other emergency services to their citizens and residents who have non-published or non-listed telephone numbers will be substantially impeded, which in turn substantially increases the risk of injury or death to such citizens and residents.

2. Immediate and irreparable injury will result to Plaintiffs and their citizens and residents unless a temporary restraining order and permanent injunction is issued in that failure to provide "Defendants' Records" to correct 9-1-1 data base errors substantially impedes Plaintiffs' ability to reach and attain the legitimate police, fire, medical, and other emergency service goals required by the Illinois General Assembly, thereby causing irreparable harm to Plaintiffs' police, fire, medical, and other emergency services response programs for their citizens and residents.

3. The Defendants' determination not to supply "Defendants' Records" to Plaintiffs is based upon the provisions of the Electronic Communication Privacy Act 18 U.S.C. 2701, et seq.

4. Plaintiffs have shown that "Defendants' Records" are relevant to a legitimate law enforcement inquiry in accordance with the Electronic Communication Privacy Act 18 U.S.C. 2703(d).

5. Access to "Defendants' Records" is needed by Plaintiffs to efficiently and effectively operate their 9-1-1 systems and to assist them in responding to all telephone calls made to Plaintiffs for emergency law enforcement assistance, which calls service a

legitimate law enforcement purpose.

6. Disclosure of "Defendants' Records" to Plaintiffs for the limited purposes of assisting them in responding to police, fire, medical, and other emergency service calls must be under such terms and conditions which will protect the privacy of subscribers, insure that access does not disrupt Defendants' telephone service or place an unreasonable burden on Defendants' subscribers or services, and protect Defendants from liability arising from Plaintiffs' access to the use of "Defendants' Records".

7. That the Plaintiffs' attorney has had communication with the attorneys for all Defendants wherein counsel for each Defendant has indicated that they have no objection to the issuance of this Order.

THEREFORE, IT IS HEREBY ORDERED, pursuant to 18 U.S.C. 2703(d), that Defendants shall immediately provide and Plaintiffs shall have immediate access to "Defendants' Records", containing all non-published and/or non-listed telephone numbers and addresses of Defendants' subscribers in the geographic areas to be served by Plaintiffs' 9-1-1 system subject to the following conditions and limitations:

1. Defendants shall provide and Plaintiffs shall have access to "Defendants' Records" from and after the date of the entry of this court order during the development and implementation of the McLean County 9-1-1 system and thereafter as needed for error corrections.

2. "Defendants' Records" shall only be made available to and

accessible by authorized employees or agents of the Plaintiffs, Plaintiff's 9-1-1 Coordinator and his designees, and such other persons as are mutually agreed upon between the Plaintiffs and Defendants.

3. Plaintiffs shall advise any such employee, agent, Coordinator or designees who is given access to "Defendants' Records" of the requirements of this order and to obtain such person's agreement in writing to comply with the confidentiality provisions of this order.

4. All persons and entities obtaining access to "Defendants' Records" shall keep all of the non-published and non-listed telephone numbers and addresses confidential and shall only use such records for the sole purpose of ascertaining the originating telephone location and customer listings to insure that all customers are identified with the proper addresses in the Plaintiff's 9-1-1 system so that 9-1-1 emergency calls for assistance result in a timely and accurate response of police, fire, medical, and other emergency services.

5. Plaintiffs shall take all necessary steps to protect the privacy of the Defendants' subscribers, insure that the access to "Defendants' Records" granted by this Order does not disrupt Defendants' subscribers or services, and protect Defendants from any liability arising from Plaintiffs' access to and use of "Defendants' Records".

6. That the responsibility of Defendants is limited to the furnishing of the "Defendants' Records" and such records may be

provided through any medium mutually agreeable. One acceptable method of providing "Defendants' Records" shall be to (1) put a complete memory of every non-published customer name, address and telephone number (subscriber records) in the 9-1-1 data base which is accessed only by receipt of a 9-1-1 call from a subscriber resulting in the display of the subscriber's record for the telephone number from which the call is originated; and (2) provide periodic error reports of subscriber records which are found by Defendants to be inconsistent with relevant street address geographic ranges or with other known facts.

8. That any bond for Plaintiff is waived.

9. That the Court shall retain jurisdiction of this cause to enforce this Order upon written motion with notice by any of the parties hereto.

Dated this 10th day of July 1995.

Ronald Dyer
Judge

STATE OF ILLINOIS }
COUNTY OF McLEAN }

I, undersigned Clerk of the Circuit Court and for the County of McLean, Illinois, do hereby certify that the foregoing is a true copy of the original as filed in my office.

Under my hand and seal this 11th day of July, 1995.

James E. Barker
Clerk of the Circuit Court

Nancy Westfield
Deputy

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS

COUNTY OF McLEAN, ILLINOIS, a)
body politic and corporate, and)
McLEAN COUNTY EMERGENCY TELEPHONE)
SYSTEM BOARD, a McLean County)
Agency,)

Plaintiffs,)

vs.)

ILLINOIS BELL TELEPHONE COMPANY)
d/b/a AMERITECH ILLINOIS, EL PASO)
TELEPHONE COMPANY, FRONTIER)
COMMUNICATIONS - MIDLAND, INC.,)
GTE NORTH, INC., GRIDLEY)
TELEPHONE COMPANY,)

Defendants.)

No. 95-CH-25

FILED

JUN 01 1995

CIRCUIT CLERK

McLEAN

COUNTY

COMPLAINT FOR INJUNCTIVE RELIEF

NOW COME the Plaintiffs, COUNTY OF McLEAN and the McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD, by and through their attorney, Eric T. Ruud, Assistant State's Attorney, in and for McLean County, Illinois, and complaining of Defendants, ILLINOIS BELL TELEPHONE COMPANY d/b/a AMERITECH ILLINOIS, EL PASO TELEPHONE COMPANY, FRONTIER COMMUNICATIONS - MIDLAND, INC., GTE NORTH, INC., and GRIDLEY TELEPHONE COMPANY states as follows:

1. Plaintiff, the COUNTY OF McLEAN, is a body politic and corporate located in Illinois and is organized and exists under the Constitution and statutes of Illinois.

2. Plaintiff, McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD, is a county agency, organized pursuant to 50 ILCS 750/15.4.

3. Defendants, ILLINOIS BELL TELEPHONE COMPANY d/b/a AMERITECH ILLINOIS (referred to below as "AMERITECH") is an

Illinois Corporation with its headquarters located at 225 West Randolph Street in Chicago, Cook County, Illinois; EL PASO TELEPHONE COMPANY (referred to below as "EL PASO"), is an Illinois Corporation with its headquarters located at P. O. Box 257, El Paso, Woodford County, Illinois; FRONTIER COMMUNICATIONS - MIDLAND, INC. (referred to below as "FRONTIER") is an Illinois Corporation with its headquarters located at P. O. Box 9000, Champaign, Champaign County, Illinois; GTE NORTH, INC. (referred to below as "GTE") is an Illinois Corporation with its headquarters located at 1312 East Empire, Bloomington, McLean County, Illinois; GRIDLEY TELEPHONE COMPANY (referred to below as "GRIDLEY") is an Illinois Corporation with its headquarters located at P. O. Box 129, Gridley, McLean County, Illinois; and they are in the business of providing telephone services to citizens and residents of McLean County, Illinois.

4. It is the duty of the Plaintiffs to protect and to provide for the safety and health of their citizens and residents and to provide, and cause to be provided, police, firefighting, ambulance, medical and other emergency services.

5. The General Assembly of the State of Illinois passed an act entitled: the "Emergency Telephone System Act" (the "Act"), which became effective as of December 16, 1987 (formerly the "Emergency Telephone Number Act", effective September 25, 1975). By its terms, the Act mandates that McLean County "establish the number 9-1-1 as the primary emergency telephone number" and "develop and improve emergency communication procedures and

facilities in such a manner as to be able to quickly respond to any person calling the telephone number 9-1-1 seeking police, fire, medical, rescue, and other emergency services". Under the Act, all local public agencies in counties having 100,000 or more inhabitants must provide a basic or sophisticated emergency telephone system.

6. The Illinois General Assembly in enacting the Act declared "Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement . . . by making it less difficult to quickly notify public safety personnel". 50 ILCS 750/1.

7. A public agency is defined in the Act as any unit of local government which provides firefighting, police, ambulance, medical or other emergency services. 50 ILCS 750/2.01.

8. A sophisticated system is defined as "a basic system with the additional capability of automatic identification of the caller's number, holding the incoming call, reconnection of the same telephone line, clearing a telephone line, or automatic call routing or any other capability or features then available or combinations of such capabilities". 50 ILCS 750/2.08.

9. COUNTY OF McLEAN is a unit of local government with 100,000 or more inhabitants and is a public agency under the aforesaid Act.

10. The McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD is a county agency and in fact was organized pursuant to the aforesaid

Act.

11. COUNTY OF McLEAN has chosen to comply with the mandate of the Illinois legislature by providing a sophisticated emergency telephone system which includes the capability of an immediate computer display of the address from which a call for help is being made at the instant that the emergency telephone number is dialed. It is estimated the system will go on line in 1996.

12. In order for the McLean County Emergency Telephone System to operate as intended it is imperative that AMERITECH, EL PASO, FRONTIER, GTE and GRIDLEY maintained data base consisting of the telephone numbers and addresses of all the residents and businesses within the area served by the Emergency Telephone System be as complete and accurate as possible.

13. The McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD and AMERITECH, EL PASO, FRONTIER, GTE AND GRIDLEY are currently reviewing the existing data base to identify and correct errors. This task has been made complicated by the largely rural nature of the county and the need to convert the rural route addresses contained in the data base to identifiable street addresses. Street addresses are necessary in order to properly dispatch emergency vehicles. In many cases, the Defendants are without sufficient knowledge of the area to make a conversion from a rural route address to a street address.

14. The McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD has offered to contact those customers with rural route addresses to make an appropriate inquiry as to their location so that an

appropriate street address entry may be made in the Defendants' data bases. Many of these customers have non-published telephone numbers.

15. In April, 1995, the Defendants advised the COUNTY OF McLEAN and the McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD that they were concerned that providing Plaintiffs with listing information containing non-published telephone numbers other than in connection with an actual "9-1-1" call might constitute a violation of the Electronic Communication Privacy Act, 13 U.S.C. 2701 et seq.

16. If the COUNTY OF McLEAN and more specifically the McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD is not provided with the listing information for non-published, non-listed telephone numbers, as needed to correct the 9-1-1 data base by the Defendants herein, they will be:

- a. unable to provide sophisticated emergency service to all of their residents and businesses;
- b. unable to answer calls for help made from non-published telephone numbers as quickly as they can answer calls for help from those who have published numbers;
- c. unable to comply with and fulfill the mandate of the Illinois General Assembly to quickly and efficiently provide emergency service to "any person calling the telephone number 9-1-1";
- d. unable to reach and attain the legitimate law enforcement goals required by the Illinois General Assembly, creating the further result that McLean County is in jeopardy of not meeting the goals set by the Act, causing irreparable harm to their law enforcement, firefighting and emergency medical response programs and the citizens and residents of McLean County, Illinois.

17. Federal law allows the release of records of customers' non-published telephone numbers, non-listed numbers and addresses to a governmental entity under a court order for disclosure where the governmental entity shows there is a reason to believe the records are relevant to a legitimate law enforcement inquiry. Electronic Communication Privacy Act, 18 U.S.C. 2703(d).

18. The contents of the records of Defendants' non-published telephone numbers and addresses are relevant and essential to the legitimate law enforcement inquiries and goals of the COUNTY OF McLEAN and the McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD and are subject to disclosure by court order pursuant to the aforesaid Electronic Communication Privacy Act.

19. The safety and health of those citizens and residents of the COUNTY OF McLEAN who have non-published or non-listed telephone numbers will be irreparably injured if AMERITECH, EL PASO, FRONTIER, GTE and GRIDLEY are not compelled to release its records of customers' non-published or non-listed telephone numbers and addresses to the COUNTY OF McLEAN and McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD.

20. For the reasons set forth above, Plaintiffs have no adequate remedy at law and unless mandatorily restrained by the order of this Court, AMERITECH, EL PASO, FRONTIER, GTE and GRIDLEY will continue to refuse to furnish Plaintiffs with records of its customers' non-published and non-listed telephone numbers, to the irreparable injury and damage of the COUNTY OF McLEAN and their citizens and residents.

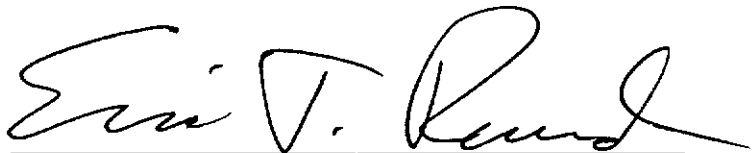
WHEREFORE, Plaintiffs respectfully pray:

A. That AMERITECH, EL PASO, FRONTIER, GTE and GRIDLEY be temporarily enjoined from withholding from the COUNTY OF McLEAN and McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD its records of its customers' non-published, non-listed telephone numbers and addresses needed to correct any 9-1-1 data base error, which are essential to the operation of the County's 9-1-1 emergency telephone systems.

B. That a permanent injunction issue mandatorily requiring the production of the aforesaid records by AMERITECH, EL PASO, FRONTIER, GTE and GRIDLEY to the COUNTY OF McLEAN and more specifically to the McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD.

C. For any other relief as the Court deems equitable and proper.

COUNTY OF McLEAN and
McLEAN COUNTY EMERGENCY TELEPHONE
SYSTEM BOARD


A handwritten signature in black ink, appearing to read "Eric T. Ruud", written over a horizontal line.

ERIC T. RUUD, Their Attorney

ERIC T. RUUD
Assistant State's Attorney
Civil Division
Law and Justice Center
104 W. Front, Room 701
Bloomington, IL 61701
(309) 888-5110

VERIFICATION

I, GARY C. RISS, being first duly sworn on oath depose and state that I am the County Board Chairman of McLean county and that I have read the foregoing Complaint and have knowledge of the contents thereof relating to the County of McLean, and that the matters set out herein are true in substance and in fact.



GARY C. RISS, Chairman
McLean County Board

Subscribed and sworn to before me this 1st day of June,
1995.





NOTARY PUBLIC

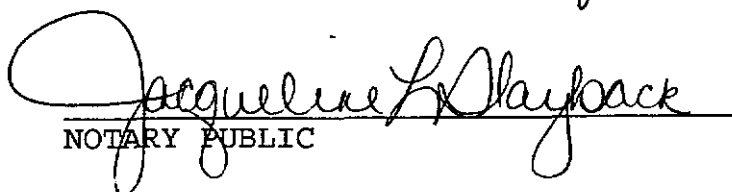
VERIFICATION

I, STEVE BRIENEN, being first duly sworn on oath depose and state that I am Chairman of the McLean County Emergency Telephone System Board and that I have read the foregoing Complaint and have knowledge of the contents thereof relating to the McLean County Emergency Telephone Board System, and that the matters set out herein are true in substance and in fact.



STEVE BRIENEN, Chairman
McLean County Emergency Telephone
System Board

Subscribed and sworn to before me this 15th day of June,
1995.


NOTARY PUBLIC

Official Seal
Jacqueline L. Slayback
Notary Public, State of Illinois
My Commission Expires 11/24/96

STATE OF ILLINOIS)

COUNTY OF McLEAN)

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS

COUNTY OF McLEAN, ILLINOIS, a)
body politic and corporate, and)
McLEAN COUNTY EMERGENCY TELEPHONE)
SYSTEM BOARD, a McLean County)
Agency,)

Plaintiffs,)

vs.)

No. 95 CH

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ILLINOIS BELL TELEPHONE COMPANY)
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GTE NORTH, INC., GRIDLEY)
TELEPHONE COMPANY,)

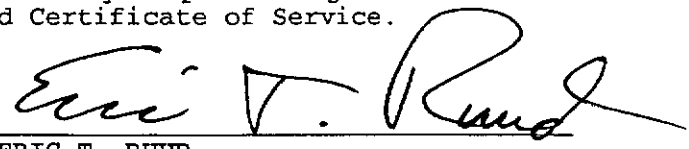
Defendants.)

AFFIDAVIT OF MAILING IN LIEU OF SUMMONS

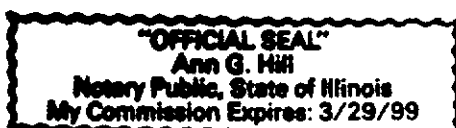
I, Eric T. Ruud, being first duly sworn on oath, states as follows:

1. That I am the attorney representing the Plaintiffs, COUNTY OF McLEAN and the McLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD in a cause of action filed against the Defendants, ILLINOIS BELL TELEPHONE COMPANY d/b/a AMERITECH ILLINOIS, EL PASO TELEPHONE COMPANY, FRONTIER COMMUNICATIONS-MIDLAND, INC., GTE NORTH, INC., and GRIDLEY TELEPHONE COMPANY and currently pending before the Circuit Court.
2. That I have been in contact with the attorneys for each of the aforementioned Defendants and each attorney has agreed to accept service of the complaint on behalf of their respective clients without the need of summons.
3. That on the date I filed the aforementioned complaint, I mailed a copy of said complaint to each attorney of each respective Defendant.
4. That the names and addresses of said attorneys representing the Defendants herein are identified in the attached Certificate of Service.

FURTHER AFFIANT SAITH NOT.


ERIC T. RUUD

Subscribed and sworn to before me this 1st day of June, 1995.




NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Eric T. Ruud being first duly sworn on oath, depose and state that I served true and correct copies of the above and foregoing COMPLAINT FOR INJUNCTIVE RELIEF AND AFFIDAVIT OF MAILING IN LIEU OF SUMMONS by mailing copies to the individuals listed below in an envelope properly addressed as shown below, with proper prepaid postage affixed thereto, and depositing said envelope in the U.S. Mail in Bloomington, Illinois, 61701, on the 1st day of June, 1995.

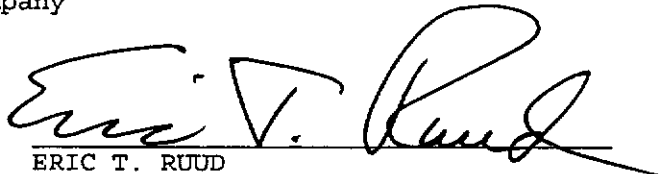
TO: Debbie Golden
Attorney for Ameritech
225 West Randolph
Floor 27C
Chicago, IL 60606

Douglas G. Brown, P.C.
Attorney for El Paso Telephone Company
913 South Sixth Street
Springfield, IL 62703

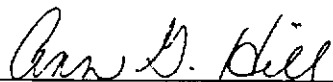
Joseph Murphy
Attorney for Frontier Communications-Midland, Inc.
P. O. Box 6750
Champaign, IL 61826-6750

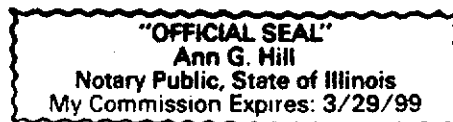
Susan Knowles Shay
Attorney for GTE North, Inc.
1312 East Empire Street
Bloomington, IL 61701

Benjamin H. Roth
Attorney for Gridley Telephone Company
P. O. Box 490
Gridley, IL 61744-0490


ERIC T. RUUD

Subscribed and sworn to before me
this 1st day of June, 1995.


NOTARY PUBLIC



ERIC T. RUUD
Chief Assistant State's Attorney
Civil Division
Room 701, Law and Justice Center
104 West Front Street
P. O. Box 2400
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(309) 888-5110